



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,186	04/09/2004	Lawrence J. O'Connor	082018-0309200	8423

25570 7590 04/05/2006

ROBERTS, MLOTKOWSKI & HOBBS
P. O. BOX 10064
MCLEAN, VA 22102-8064

EXAMINER

CHAN, SING P

ART UNIT	PAPER NUMBER
----------	--------------

1734

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,186

Applicant(s)

O'CONNOR, LAWRENCE J.

Examiner

Sing P. Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/28/04, 1/12/05, 3/28/05, 12/8/05, 3/23/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-21 and 23-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 10, 11, and 14 of U.S. Patent No. 6,966,963 in view of Friedlander et al (U.S. 4,695,493) and Salato, Jr. (U.S. 4,858,399).

The claims of O'Connor '963 recite a method of applying a covering for exterior uses. The method includes providing a flexible strip of covering material with a fibrous layer, which is defined as any floor covering, i.e. carpet, (See O'Connor '963, Col 6, lines 5-8) with an integral moldable adhesive layer applied thereto with a coating volume or weight of at least 185 grams per square meter or about 355 to 465 grams per square meter and a release sheet having separable positioning guide strip located in a central

Art Unit: 1734

region with printed indicia indicating the direction of the carpet pile, removing a length of the positioning guide strip located in a central region between the side edges, adhering the central region of the exposed adhesive strip to a board, i.e. lumber, and removing the remaining release sheet to adhere the entire width of the strip to the board. (See O'Connor '963, Claims 1,5,7,10,11, and 14) However, O'Connor '963 is silent as to the covering or carpet includes an adhesive layer, an impermeable barrier layer, which is a foil sheet, rolling the covering material in roll form and the lumber is treated lumber. However, providing carpet includes an adhesive layer, an impermeable barrier layer, which is a foil sheet and rolling the covering material in roll form is well known and conventional as shown for example by Friedlander et al. Friedlander et al discloses a carpet. The carpet includes a carpet, a shape retention web having a first adhesive and a second adhesive on opposite side of the shape retention web, a release sheet covering the second adhesive layer (Col 4, lines 34-45), wherein the shape retention web is a metal foil or equivalent web products (Col 5, lines 11-39), i.e. impermeable barrier and after forming the carpet laminate assembly, the assembly is rolled into rolls of predetermined length and transported to another work station (Col 7, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a carpet with an adhesive layer, an impermeable barrier layer, which is a foil sheet and rolling the covering material in roll form as disclosed by Friedlander et al in the method of O'Connor '963 to provide a carpet assemblies that do not exhibit any shrinkage or stretching. (See Friedlander et al, Col 2, lines 5-10)

O'Connor '963 as modified by Friedlander et al is silent as to the lumber is treated

Art Unit: 1734

lumber. However, using treated lumber for outdoor purposes is well known and conventional as shown for example by Salato, Jr. Salato, Jr. discloses a method protecting a deck. The method includes providing a deck build with treated lumber (Col 1, lines 12-17) and covering the treated lumber to prevent the lumber from corrosion and extending the useful life of the beam (Col 3, lines 15-20)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide treated lumber as the board for outdoor used and covering beam to protect the board or beam as disclosed by Salato, Jr. in the method of O'Connor '963 as modified by Friedlander et al to prevent the lumber from corrosion and extending the useful life of the beam (See Salato, Jr., Col 3, lines 15-20)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493), Kaiwara et al (U.S. 6,426,129), and Vonken et al (U.S. 6,288,147).

O'Connor '112 discloses a method of applying a carpet to a deck lumber. The method includes providing a carpet (Page 8, lines 20-25), providing a deck floor board or lumber, which inherently is a widely used pressure treated lumber (Page 1, lines 18-

Art Unit: 1734

23), bonding the carpet strip by applying adhesive between the upper surface of the plank and the undersurface of the floor covering or carpet (Page 14, lines 13-17).

O'Connor '112 is silent as to the carpet includes an adhesive layer, an impermeable barrier layer, a moldable layer with adhesive property applied in the coating weight of at least 185 grams per square meter, a release sheet secured to the moldable layer, and removing at least a portion of the release sheet to expose at least a portion of the moldable layer. However, providing a carpet with adhesive layer, an impermeable barrier layer, a moldable layer with adhesive property and a release sheet secured to the moldable layer is well known and conventional as shown for example by Friedlander et al. Friedlander et al discloses a carpet. The carpet includes a carpet, a shape retention web having a first adhesive and a second adhesive on opposite side of the shape retention web, a release sheet covering the second adhesive layer (Col 4, lines 34-45), wherein the shape retention web is a metal foil or equivalent web products (Col 5, lines 11-39), i.e. impermeable barrier and after forming the carpet laminate assembly, the assembly is rolled into rolls of predetermined length and transported to another work station (Col 7, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a carpet with an adhesive layer, an impermeable barrier layer, which is a foil sheet and rolling the covering material in roll form as disclosed by Friedlander et al in the method of O'Connor '112 to provide a carpet assemblies that do not exhibit any shrinkage or stretching. (See Friedlander et al, Col 2, lines 5-10)

O'Connor as modified by Friedlander et al is silent as to removing a portion of the

Art Unit: 1734

release sheet to expose at least a portion of the moldable adhesive layer. However, providing removable portion on a release sheet and removing a portion of the release sheet to expose at least a portion of the moldable adhesive layer prior to applying the laminate is well known and conventional as shown for example by Kalwara et al. Kalwara et al discloses a method of applying an adhesive article with a release liner. The method includes providing a release liner to cover the adhesive on the adhesive article (Col 5, lines 13-15), cutting or scoring the liner in the longitudinal direction of the article (Col 5, lines 31-34), and removing one or more portions of the release liner and adhere the article to the substrate (Col 6, lines 37-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removable portion on a release sheet and removing a portion of the release sheet to expose at least a portion of the adhesive layer prior to applying the laminate as disclosed by Kalwara et al in the method of O'Connor '112 as modified by the combination of Friedlander et al to allow an installer to easily align the adhesive article to the desired substrate. (See Kalwara et al, Col 2, lines 65-67) O'Connor '112 as modified above is silent as to the coating weight of the adhesive as being at least 185 grams per square meter. However, providing an adhesive coating with a coating weight of at least 185 grams per square meter is well known and conventional as shown for example by Vonken et al. Vonken et al discloses a universal adhesive. The adhesive can be used for bonding foamed plastics, glass fiber wallpaper, fabric/textile/cellulose wallpapers, polyester wallpaper, gypsum fiber sheets, chipboards, tiles, cement sheets, gypsum plasterboard, wood or cork, which provided a

Art Unit: 1734

low flammability (Col 2, lines 16-17) and the coating weight of the adhesive for bonding the substrates or material together is in the range of 300 to 800 grams per square meter. (Col 4, lines 11-30)

It would have been obvious to one ordinary skill in the art at the time the invention was made to provide an adhesive and a coating of 300 to 800 grams per square meter as disclosed by Vonken et al in the method of O'Connor as modified by the combination of references to provide a low flammability to the laminate. (See Vonken et al, Col 2, lines 17-19)

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493), Kalwara et al (U.S. 6,426,129), and Vonken et al (U.S. 6,288,147) as applied to claim 1 above, and further in view of Chase (U.S. 3,893,252).

O'Connor et al as modified above is silent as to the positioning strip is located in a central region and tacking the portion of the covering material in place adheres the central region and allows side regions of the elongated strip to move relative to the board. However, providing positioning strip in the central region and tacking the portion of the covering material in place adheres the central region and allows side regions of the elongated strip to move relative to the board is well known and conventional as shown for example by Chase. Chase discloses a method for mounting photos. The method includes providing a mounting board with adhesive on both surfaces and sectioned release sheets with a strip at the central portion, removing the strip, depressing the central portion of the mount onto the substrate to tacking the central

Art Unit: 1734

portion, which allow for adjustment and repositioning, removing the remaining release sheets section and bonding the mount onto the substrate. (Col 6, lines 34-68)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a positioning strip located in a central region and tacking the portion of the covering material in place adheres the central region and allows side regions of the elongated strip to move relative to the board as disclosed by Chase in the method of O'Connor et al as modified by the combination of references to provide allow smooth mount of the material in an accurate location on the substrate. (See Chase, Col 2, lines 9-12)

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493), Kalwara et al (U.S. 6,426,129), and Vonken et al (U.S. 6,288,147) as applied to claim 6 above, and further in view of Ward et al (U.S. 4,849,267).

O'Connor et al as modified above is silent as to providing indicia indicating direction of pile of the fibrous layer. However, providing indicia indicating direction of pile of the fibrous layer is well known and conventional as shown for example by Ward et al. Ward et al discloses a method of installing a foam back carpet with release sheet. The method includes providing indicia or arrows printed to correspond to a predetermined direction of the pile yarn in the carpet. (Col 5, lines 13-22)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide indicia indicating direction of pile of the fibrous layer as disclosed by Ward et al in the method of O'Connor et al as modified by combination of

references to allow the material to be readily be oriented in a common direction. (See Ward et al, Col 5, lines 16-22)

7. Claims 10-15, 21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493).

O'Connor '112 discloses a method of applying a carpet to a deck lumber. The method includes providing a carpet (Page 8, lines 20-25), providing a deck floor board or lumber, which inherently is a widely used pressure treated lumber (Page 1, lines 18-23), bonding the carpet strip by applying adhesive between the upper surface of the plank, the undersurface of the floor covering or carpet (Page 14, lines 13-17) and providing the carpet material as roll (Page 13, lines 18-25). O'Connor '112 is silent as to the carpet includes an adhesive layer, an impermeable barrier layer such as a foil, a moldable layer with adhesive property, a release sheet secured to the moldable layer. However, providing a carpet with adhesive layer, an impermeable barrier layer, a moldable layer with adhesive property and a release sheet secured to the moldable layer is well known and conventional as shown for example by Friedlander et al. Friedlander et al discloses a carpet. The carpet includes a carpet, a shape retention web having a first adhesive and a second adhesive on opposite side of the shape retention web, a release sheet covering the second adhesive layer (Col 4, lines 34-45), wherein the release includes polyolefin base sheet, which inherently is tear resistant, wherein the shape retention web is a metal foil or equivalent web products (Col 5, lines 11-39), i.e. impermeable barrier, which includes aluminum and aluminum alloys foils

Art Unit: 1734

(Col 5, lines 11-32), which are water impermeable, non-absorbent of water, incompressible in the thickness direction, and is capable of bending to match bowed wood and discontinuities in the wood, and after forming the carpet laminate assembly, the assembly is rolled into rolls of predetermined length and transported to another work station (Col 7, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a carpet with an adhesive layer, an impermeable barrier layer, which is a foil sheet and rolling the covering material in roll form as disclosed by Friedlander et al in the method of O'Connor '112 to provide a carpet assemblies that do not exhibit any shrinkage or stretching. (See Friedlander et al, Col 2, lines 5-10)

8. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) as applied to claim 10 above, and further in view of Vonken et al (U.S. 6,288,147).

O'Connor '112 as modified above is silent as to the coating weight of the adhesive as being at least 185 grams per square meter. However, providing an adhesive coating with a coating weight of at least 185 grams per square meter is well known and conventional as shown for example by Vonken et al. Vonken et al discloses a universal adhesive. The adhesive can be used for bonding foamed plastics, glass fiber wallpaper, fabric/textile/cellulose wallpapers, polyester wallpaper, gypsum fiber sheets, chipboards, tiles, cement sheets, gypsum plasterboard, wood or cork, which provided a low flammability (Col 2, lines 16-17) and the coating weight of the adhesive

Art Unit: 1734

for bonding the substrates or material together is in the range of 300 to 800 grams per square meter. (Col 4, lines 11-30)

It would have been obvious to one ordinary skill in the art at the time the invention was made to provide an adhesive and a coating of 300 to 800 grams per square meter as disclosed by Vonken et al in the method of O'Connor as modified by the combination of references to provide a low flammability to the laminate. (See Vonken et al, Col 2, lines 17-19)

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) as applied to claim 10 above, and further in view of Faulkner et al (EP 0,003,402).

O'Connor as modified above is silent as to the foil is supported on a plastic film. However, supporting a metal foil on plastic film is well known and conventional as shown for example by Faulkner et al. Faulkner et al discloses a method of forming a barriers laminates against fluids. The method includes providing a metal foil or a metallized surface of a polymer film and at least one layer of a non-conducting reinforcing scrim both layers being sandwiched between two layers of polymer films, i.e. metal foil supported on polymer films. (Page 2, line 32 to Page 3, line 3) The laminate is used as lining for containers, seals in storage tanks, plastic floating decks, gasoline transfer hose, protective clothing and carpets. (Page 6, lines 28-35)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide metal foil supported on polymer film as disclosed by Faulkner et al in the method of O'Connor '112 as modified by the combination of

Art Unit: 1734

references to provide desirable mechanical and barrier properties. (See Faulkner et al, Page 2, lines 6-9)

10. Claims 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) as applied to claim 10 above, and further in view of Kalwara et al (U.S. 6,426,129).

Regarding claims 26 and 27, O'Connor '112 as modified above is silent as to the release sheet is divided into a plurality of release strip portions extending longitudinally along the strip and removing a portion of the release sheet to allow initial positioning and attachment of the strip to the substrate and subsequent removal of the remaining portion of the release sheet for attachment of the strip to the substrate. However, providing release sheet as portions on a strip of material to allow initial positioning and attachment of the strip material is well known and conventional as shown for example by Kalwara et al. Kalwara et al discloses a rubber article with release liner with cut at generally at off center of the release liner in the longitudinal direction (Col. 5, lines 24-37) with one portion larger than the other portion (Figure 2), which provided a plurality of release strip portions, to allow the installer to easily remove one or more portions of the release liner to properly align and position the material on the substrate (Col 6, lines 37-50)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the release liner as a plurality of release strip portions in the longitudinal direction as disclosed by Kalwara et al in the method of O'Connor '112

Art Unit: 1734

as modified by the combination of references to allow the installer to easily align the material or article on the desired surface or substrate. (See Kalwara et al, Col 2, lines 65-67)

Regarding claim 29, O'Connor et al is silent as to release sheet is provide with free edges that extend beyond the sides of the material and removing includes grasping the free edges. However, release sheet is provided with free edges that extend beyond the sides of the material and removing includes grasping the free edges is well known and conventional as shown for example by Kalwara et al. Kalwara et al discloses the release sheets (20) include free edges (26 and 24) that extend beyond the sides of the material and would allow removal by grasping the free edges. (Figures 1 and 2)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide release sheet with free edges that extend beyond the sides of the material, which allow for removal by grasping the free edges as disclosed by Kalwara et al in the method of O'Connor et al as modified by the combination of references provide a carpet to allow for rapid installation. (See Kalwara et al, Col 1, lines 32-36)

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) and Kalwara et al (U.S. 6,426,129) as applied to claim 26 above, and further in view of Kalkanoglu (U.S. 4,757,652).

O'Connor '112 as modified above is silent as to the release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release

Art Unit: 1734

portion. However, providing a release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release portion is well known and conventional as shown for example by Kalkanoglu. Kalkanoglu discloses roofing product. The product includes a layer of adhesive and a silicone coated release film in two sections or portions. The release film includes an overlap portion to provide a corner portion or portions (19) to allow easy gripping for peeling the film from the adhesive product. (Col 2, lines 10-16 and Figures 2 and 3)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release portion as disclosed by Kalkanoglu in the method of O'Connor '112 as modified by the combination of references to provide a corner portions on the release film to allow installer to readily manually gripping and peeling the release film. (See Kalkanoglu, Col 2, lines 10-16)

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) and Kalwara et al (U.S. 6,426,129) as applied to claim 29 above, and further in view of Ward et al (U.S. 4,849,267).

O'Connor et al as modified above is silent as to providing indicia indicating direction of pile of the fibrous layer. However, providing indicia indicating direction of pile of the fibrous layer is well known and conventional as shown for example by Ward et al. Ward et al discloses a method of installing a foam back carpet with release sheet.

The method includes providing indicia or arrows printed to correspond to a predetermined direction of the pile yarn in the carpet. (Col 5, lines 13-22)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide indicia indicating direction of pile of the fibrous layer as disclosed by Ward et al in the method of O'Connor et al as modified by combination of references to allow the material to be readily be oriented in a common direction. (See Ward et al, Col 5, lines 16-22)

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493) and Kalwara et al (U.S. 6,426,129) as applied to claim 26 above, and further in view of Tajima et al (U.S. 3,937,640).

O'Connor '112 as modified above is silent as to a release portion is located between two release portions. However, providing a release portion is located between two release portions is well known and conventional as shown for example by Tajima et al. Tajima et al discloses roofing membranes. The roofing membranes includes a layer of bitumen or adhesive and release sheets are laid over the adhesive (Col 6, lines 60-68), the sheets are applied as a plurality of narrow strips as a single, two, or more rows with to permit partial removal (Col 7, lines 49-58 and Figures 3A and 3B), which the center row is a positioning strip and is located between two remaining release strip.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a release portion located between two release portions as disclosed by Tajima et al in the method of O'Connor '112 to allow partial removing of

Art Unit: 1734

the release and rendered the application work easier. (See Tajima et al, Col 7, lines 53-58)

14. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493), Kalwara et al (U.S. 6,426,129) and Tajima et al (U.S. 3,937,640) as applied to claim 31 above, and further in view of Kalkanoglu (U.S. 4,757,652).

O'Connor '112 as modified above is silent as to the release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release portion and free side edge portion extends beyond the material for grasping. However, providing a release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release portion and free side edge portion extends beyond the material for grasping is well known and conventional as shown for example by Kalkanoglu. Kalkanoglu discloses roofing product. The product includes a layer of adhesive and a silicone coated release film in two sections or portions. The release film includes an overlap portion as well and free side edge portion extends beyond the material to provide a corner portion or portions (19) to allow easy gripping for peeling the film from the adhesive product. (Col 2, lines 10-16 and Figures 2 and 3)

Furthermore, one of ordinary skill in the art would reading the combination of references would appreciate that when a release portion is provided between two side edge portions, one of ordinary skill would logically provide the central portion with the overlap portions over the side edges to allow easy gripping of the release portion in either direction of the material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide release strip portion includes a side edge, which overlaps with and covers a side edge of the remaining release portion or to logically provide the central release portion with two overlapping portion over the two side edge release portion as disclosed by Kalkanoglu in the method of O'Connor '112 as modified by the combination of references to provide a corner portions on the release film to allow installer to readily manually gripping and peeling the release film. (See Kalkanoglu, Col 2, lines 10-16)

15. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (WO 90/10112) in view of Friedlander et al (U.S. 4,695,493), Kalwara et al (U.S. 6,426,129), Tajima et al (U.S. 3,937,640), and Kalkanoglu (U.S. 4,757,652) as applied to claim 33 above, and further in view of Ward et al (U.S. 4,849,267).

O'Connor et al as modified above is silent as to providing indicia indicating direction of pile of the fibrous layer. However, providing indicia indicating direction of pile of the fibrous layer is well known and conventional as shown for example by Ward et al. Ward et al discloses a method of installing a foam back carpet with release sheet. The method includes providing indicia or arrows printed to correspond to a predetermined direction of the pile yarn in the carpet. (Col 5, lines 13-22)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide indicia indicating direction of pile of the fibrous layer as disclosed by Ward et al in the method of O'Connor et al as modified by combination of

Art Unit: 1734

references to allow the material to be readily be oriented in a common direction. (See Ward et al, Col 5, lines 16-22)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan Sing P.

SPC

ca Fiorilla

CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER
Au 1734